

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

Kirby Keith Kehoe

CRIMINAL COMPLAINT

CASE NUMBER: 13-04361-M-001-PCT-MEA

FILED	RECEIVED	LODGED
		COPY
OCT 15 2013		
CLERK U S DISTRICT COURT		
DISTRICT OF ARIZONA		
BY	PERIOD	

I, Rustin Wayas, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Count One

On or about October 14, 2013, in the District of Arizona, the defendant, Kirby Keith KEHOE, having been previously convicted of a felony punishable by a term of imprisonment exceeding one year, that is, two counts of Possession of an Unregistered Firearms, one count of Possession of a machine gun, and one count of Transportation of Firearms while Under Indictment, in the State of Washington, U.S. Eastern District of Washington Federal Court number CR-98-067-RHW, did knowingly possess a firearm, that is, a Glock, Model: 17, 9mm pistol, serial # PS145US, which had been shipped and/or transported in interstate or foreign commerce; in violation of Title 18, United States Code, Section 922(g)(1).

I further state that I am a Special Agent with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

See attached affidavit, which is incorporated herein by reference.

Continued on attached sheet and made a part hereof: Yes X No _____

REVEIWED BY: Patrick Schneider 

Rustin Wayas, Special Agent, ATF
Complainant's Name and Title


Signature of Complainant

Sworn to before me and subscribed in my presence,

10-15-13
Date

at Flagstaff, Arizona
City and State

Mark E. Aspey, U.S. Magistrate Judge
Name & Title of Judicial Office


Signature of Judicial Officer

DISTRICT OF ARIZONA

AFFIDAVIT OF SPECIAL AGENT RUSTIN WAYAS

I, Rustin Wayas, being duly sworn, hereby depose and state the following:

1. Your affiant, Rustin Wayas, does hereby state that he is a Special Agent (SA) with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and as such is vested with the authority to investigate violations of Federal Firearms laws, including Title 18, United States Code, Section 922. Your affiant is currently assigned to the Phoenix Division of the ATF, Flagstaff, Arizona Satellite Office, within the District of Arizona.

2. The statements contained in this affidavit are based on your affiant's investigation. Because this affidavit is made for the limited purpose of establishing probable cause, your affiant has not listed each and every fact known to him concerning this investigation.

3. On or about October 14, 2013, ATF executed federal search 13-7328MB on property located at Juniperwood Ranch Unit 2- Juniper Hills LS 1/56-89 in Yavapai County, Arizona. Yavapai County records indicate that the property is owned by Kirby Keith KEHOE. During the execution of the search warrant, ATF agents encountered Kirby Keith KEHOE in a trailer that his son, who also lived on the property, stated belonged to Kirby Keith KEHOE. The son also said that Kirby was the only resident of the trailer.

4. Inside the trailer bedroom, ATF agents found a Glock, Model: 17, 9mm pistol, serial # PS145US on a desk next to the bed. The aforementioned son told ATF agents that the Glock pistol found inside his father's trailer belonged to his father.

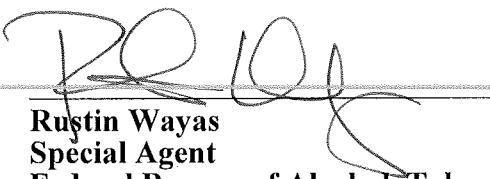
4. Certified records from the U.S. Eastern District of Washington federal court, case CR98-067-RHW, confirmed that, on or about May 11, 1998, Kirby KEHOE pleaded guilty to two counts of Possession of an Unregistered Firearms, one count of Possession of a machine gun, and one count of Transportation of Firearms while Under Indictment. All of these charges are federal felonies.

5. An ATF Firearms Interstate Nexus Expert determined that the Glock, Model: 17, C9, 9mm pistol, serial # PS145US was not manufactured in the State of Arizona, and therefore, must have traveled in interstate or foreign commerce.

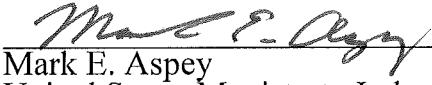
6. Based on the information set forth in this affidavit, your affiant submits that there is probable cause to believe that on or about October 14, 2013, in the District of Arizona, the defendant, Kirby Keith KEHOE, having been previously convicted of a felony punishable by a term of imprisonment exceeding one year, that is, two counts of Possession of an Unregistered Firearms, one count of Possession of a machine gun, and one count of Transportation of Firearms while Under Indictment, in the State of Washington, U.S. Eastern District of Washington Federal Court number CR-98-067-RHW, did knowingly possess a firearm, in violation of Title 18, United States Code, Sections 922(g)(1).

Further your affiant saith not.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.


Rustin Wayas
Special Agent
Federal Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn and subscribed to before me this 15th day of October 2013.


Mark E. Aspey
United States Magistrate Judge